



**Interlocal Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 31
AGENDA DATE: Thu 10/21/2004
PAGE: 1 of 2

SUBJECT: Approve a resolution authorizing negotiation and execution of the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, addressing policy issues including integrating City and County review comments, division of review duties between City and County, inspection duties, consolidation of fees, processing of fiscal security, meetings of a Process Review Board, and further amendments to Title 30 (House Bill 1445).

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Patrick Murphy, 974-2821; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: Council approved the original Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County in March 2002. Council subsequently approved amendments to the agreement in May 2003 and December 2003.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

On April 1, 2002, in compliance with §242.001(d)(4), Local Government Code (H.B. 1445), the City of Austin and Travis County created by Interlocal Agreement a Single Office for the joint processing and review of subdivisions within their shared jurisdiction.

This Interlocal Agreement has been amended twice. The first amendment became effective on June 3, 2003. This amendment addressed policy issues including transportation plan, preliminary plan expiration, variances and waivers, fiscal policy, sidewalks, gated communities/private streets, consolidation of fees, reviews and inspections, maintenance of drainage infrastructure in the ETJ, and County participation in the Regional Stormwater Management Program.

The second amendment became effective on December 22, 2004. This amendment addressed the elevation of disputed issues and clarified the review of utilities, and provided for a review of subdivision processing.

At the same time, the City and County both approved a new Title 30, adopting subdivision regulations applicable in the Austin ETJ within Travis County.

The proposed third amendment to the Agreement would provide for coordinated review by creating a Manager of the Single Office, sharing database access, integrating City and County review comments, and dividing review responsibilities for the various regulatory subject matters between the City and Travis



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County, based on project location in the Desired Development Zone, the Drinking Water Protection Zone, or in Near-Term Annexation Areas.

The proposed amendment also assigns inspection duties, addresses consolidation of subdivision related fees, and clarifies the processing of fiscal security. The amendment provides for quarterly meetings of a Process Review Board made up of City and County staff and representatives of stakeholders in the subdivision process, and semi-annual reports by the Managing Officials.

Finally, the proposed amendment sets a deadline of October 1, 2005 for amending Title 30 in order to codify certain sections of this proposed amendment.

RESOLUTION NO. 04

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager or her designee is authorized to negotiate and execute a Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, in substantially the form as attached in Exhibit A.

ADOPTED: _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk

EXHIBIT A
THIRD AMENDMENT TO AGREEMENT ON SUBDIVISION PLATTING IN THE
EXTRATERRITORIAL JURISDICTION BETWEEN CITY OF AUSTIN AND
TRAVIS COUNTY

This amends the Agreement On Subdivision Platting In The Extraterritorial Jurisdiction Between City Of Austin And Travis County, dated April 1, 2002, as amended on June 3, 2003 (“the First Amendment”) and on December 22, 2003 (“the Second Amendment”).

The City of Austin and Travis County (collectively, “the Parties”), agree to amend the Agreement as follows:

1. Section II.B.5. shall be amended to read as follows:

a. Review Process and Teams. The City and County shall coordinate their review of applications to identify any conflicts, disagreements, or differences regarding interpretation or application of subdivisions requirements and attempt to resolve those issues. The Managing Officials shall jointly designate from among their employees a Manager of the Single Office (“Manager”), who shall have authority and responsibility to oversee the coordinated review of applications and whose salary shall be funded equally by the parties. The person designated as Manager and the terms and conditions of the Manager’s employment shall be agreed upon by both parties.

b. Shared Database Access. Before March 1, 2005, the City shall install all necessary telecommunications lines, computer hardware, and computer software required for a computer located at the County’s offices at 411 W. 13th St. to have full interconnectivity with the City’s AMANDA database so as to provide County staff with full review and input capabilities regarding the City’s system for review of subdivision applications, including construction plans. The County shall pay the City for the cost of all necessary telecommunications lines, computer hardware, and computer software and any related license fee, and the cost of installation of the above.

c. Integrated Comments. The City and County shall integrate any written review comments and the Single Office shall provide the applicant with a single set of consolidated review comments within 28 days of filing a complete application. Subdivision applications, including construction plans, shall be reviewed by subdivision review teams designated by the Single Office. Each subdivision review team shall be staffed and responsibility for review shall be assigned in accordance with the chart below. Where a provision of Title 30 requires the Single Office to make a determination regarding particular subject matter, the determination shall be made by the Party assigned responsibility for that subject matter below.

DDZ*

DWPZ *

NTAA

| | | | |
|---|--------|--------|--------|
| Case Manager | County | City | City |
| Transportation | County | County | City |
| Drainage [Non-RSMP participant] | County | County | City |
| Drainage [RSMP participant] | City | City | City |
| Environmental and Utilities | City | City | City |
| Inspection of Infrastructure Installation | City** | City** | City** |

* “DDZ” means Desired Development Zone, and “DWPZ” means Drinking Water Protection Zone, as defined in Title 30. If an application concerns land which is partly in a Near-Term Annexation Area, or which crosses the boundary line between the DWPZ and the DDZ, then the assignment of subdivision application review team members shall be based on the location of the majority of the land area in the subdivision.

** All fiscal security shall be posted with the City. However, the City shall not make field changes varying from approved construction plans without prior County approval and shall not release fiscal security until any field changes not approved by the County are remedied.

d. Notwithstanding that this Agreement assigns responsibility for review and approval of elements of a subdivision application to either or both of the Parties, and assigns responsibility for inspection of subdivision infrastructure installations to the City, neither Party shall be liable to the other Party for any errors or omissions in the review or approval of an application or in the inspection of infrastructure installations.

2. Section II.B.3.a. is amended to read as follows:

Prior to accepting an application for filing, the City and County shall calculate the fees that are due to both Parties for the application and the Single Office shall collect them from the applicant. Each week, the City shall submit a list of the applications accepted for filing in the previous week and remit to the County its share of the fees for those applications. The County shall provide the Single Office with a copy of its most current subdivision platting fee schedule. The fees required under this title shall be established by separate city or county ordinance. The fees shall take into account the division of responsibility between City and County staff required by Section II.B.5a., and neither party shall establish or collect a fee for reviewing applications, including construction plans, for any issue or for inspecting installation of any infrastructure for

which that party is not assigned responsibility under Section II.B.5.

3. Section II.B.3 is further amended to add paragraph c as follows:

c. The City and County shall annually prepare and publish a summary report of fees collected from applicants for capital improvements associated with subdivisions, including but not limited to parkland fees, transportation improvement fees, and regional stormwater management program (RSMP) fees collected, and a list of capital improvement projects for which the collected fees were used or programmed to be used by the City and County.

4. Section II.B.7. is added to read as follows:

7. The City and County shall both review and approve plat vacations, replats, and amending plats according to the standards and procedures in Texas Local Government Code §§212.013, 212.014, 212.015, and 212.016. Where notice of a hearing must be published or mailed, the City and the County shall publish or mail a single joint notice stating the dates of the City and/or County hearings.

5. The Managing Officials shall monitor the activities of the Single Office by establishing a Process Review Board comprising City and County staff and representatives of stakeholders in the subdivision process, which shall meet quarterly to identify and analyze problems and successes in the process. At least semi-annually, the Managing Officials shall prepare reports on the performance of the Single Office that may be placed on the City Council's and Commissioners Court agendas for discussion. No later than October 1, 2005, the City and the County shall adopt amendments to Title 30, Austin/Travis County Subdivision Regulations, codifying the provisions of Sections 1.a, 1.c, 2 and 4 of this Third Amendment.

Except for the foregoing, all other terms of the Agreement remain in effect.

Agreed to and effective the later of the two dates set forth below.

CITY OF AUSTIN

TRAVIS COUNTY

Laura Huffman
Assistant City Manager

Samuel T. Biscoe
County Judge

Date: _____

Date: _____

RESOLUTION NO. 04

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager or her designee is authorized to negotiate and execute a Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, addressing the issues and in substantially the form as attached in Exhibit A.

ADOPTED: _____, **2004**
ATTEST: _____

Shirley A. Brown
City Clerk

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Signature blocks